

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24275 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- PATORI District- Samastipur

1. RUPA DEVI W/o Santosh Roy Resident of Village - Saidpur Milki, P.S.- Halai, Distt.- Samastipur.
2. MD. ANUL MIYAN Son of Md. Habib Miyan Resident of Village - Dharamprur Bande, P.S.- Patori, Distt.- Samastipur.
3. JITENDRA KUMAR PANDEY Son of Baleshwar Pandey Resident of Village - Dharamprur Bande, P.S.- Patori, Distt.- Samastipur.
4. BARUN KUMAR Son of Chandra Deo Rai Resident of Village - Chandsarai Tola, P.S.- Jandaha, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shanti Bhushan Singh, Advocate
For the Opposite Party/s : Mr. Satyendra Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-03-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

It is a case of recovery of liquor from behind the shop of co-accused Manish Pandey and not these petitioners.

It is submitted by learned counsel for the petitioners that the petitioners have falsely been implicated in this case. He further submits that there is no recovery of liquor from the conscious or constructive possession of the petitioners. He



further submits that the petitioners were not apprehended at the spot. He further submits that similarly situated co-accused, namely, Manish Pandey @ Manish Panday has been granted anticipatory bail by a Co-ordinate Bench of this Court passed in Cr. Misc. No. 30404 of 2020 vide order dated 18.12.2020. Petitioners have no criminal antecedent.

Learned APP appearing for the State has opposed the prayer for anticipatory bail.

In the facts and circumstances of the case, let the petitioners, above named in the event of their arrest or surrender before the court below within a period of four weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-II-cum-Special Judge, (Excise Act) Samastipur in connection with Shahpur Patori P.S. Case No. 88 of 2020, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

Brajesh Kumar/-

U		T	
---	--	---	--

